

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

ABDUL NUR SHAKUR,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Civil No. 96-0384-CV-W-9-FJG
	)	Crim. No. 88-00208-01-CR-W-9
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER DENYING MOVANT A CERTIFICATE OF APPEALABILITY**

On October 27, 2005, this Court entered an Order (Doc. No. 37) denying Movant's motion to vacate his conviction. On December 19, 2005, this Court entered an Order (Doc. No. 39) denying Movant's motion for reconsideration. On January 19, 2006, movant filed a notice of appeal, which this Court will construe as a Motion for Certificate of Appealability (Doc. No. 40).

A certificate of appealability will be issued only if the applicant has made a substantial showing of the denial of a constitutional right and has indicated which specific issue or issues satisfy the showing required. 28 U.S.C. § 2253(c)(2) & (3). Additionally, "the petitioner 'must demonstrate that the issues are debatable among jurists of reason; that a court could resolve the issues [in a different manner]; or that the questions are adequate to deserve encouragement to proceed further.'" Randolf v. Kemna, 276 F.3d 401, 403 n.1 (8<sup>th</sup> Cir. 2002) (quoting Barefoot v. Estelle, 463 U.S. 880, 893 n.1 (1983))(alteration in original). Although this may be referred to as a "modest standard," id. (citing Charles v. Hickman, 228 F.3d 981, 982 n.1 (9<sup>th</sup> Cir. 2000)), movant has failed to meet this burden.

Accordingly, it is hereby ORDERED that movant's Petition for a Certificate of Appealability (Doc. No. 40) is DENIED.

Dated: January 25, 2006  
Kansas City, Missouri.

/s/ Fernando J. Gaitan, Jr.  
Fernando J. Gaitan, Jr.  
United States District Judge